

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 ) Case No. 8:08CR474  
                                )  
v.                            )  
                                )  
JOHN HERRERA-CORTES,     )  
                                )  
Defendant.                 )

**REPORT AND RECOMMENDATION  
AND ORDER**

At the conclusion of the hearing on April 15, 2009, on defendant's Motion to Suppress (#18), I stated my conclusions on the record and my decision to recommend that the motion to suppress be granted. In accordance with that announcement,

**IT IS RECOMMENDED** to the Honorable Joseph F. Bataillon, Chief Judge, United States District Court of Nebraska, that the Motion to Suppress (#18) be granted in all respects.

**FURTHER, IT IS ORDERED:**

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 57.3, any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) days after the unredacted transcript is available to counsel. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 15<sup>th</sup> day of April 2009.

BY THE COURT:

S/ F.A. Gossett  
United States Magistrate Judge